

EXHIBIT B

XXX.XXXXXX.XA

Attorney Docket No. 078883-0139

IN THE UNITED STATES PATENT AND TRADEMARK OFFICEApplicant: **Iain Alasdair DONALDSON et al.**Title: **PROMOTER**Appl. No.: **10/009,570**Filing Date: **6/19/2002**Examiner: **Cynthia E. Collins**Art Unit: **1638****DECLARATION UNDER 37 C.F.R. § 1.132**

The undersigned attorney of record declares that the microorganism *E. coli* strain TOP10 (Invitrogen) + pTBR-ScaK3 was deposited on March 15, 1999, at The National Collections of Industrial, Food and marine Bacteria (NCIMB) Limited, 23 St. Machar Drive, Aberdeen, AB2 1RY, Scotland, United Kingdom, a Budapest Treaty recognized depository, as NCIMB 41011.

The deposited microorganism NCIMB 41011 is specifically identified in this application as filed. During the pendency of the patent application, access to the deposited microorganism will be allowed to those persons properly designated by the Commissioner of Patents and Trademarks. The deposited microorganism will be replaced should it die or be destroyed during the enforceable life of any patent issued out of this patent application, for five years after the last request for a sample of the deposited microorganism or for thirty years following the date of deposit, whichever is longer upon. Upon issuance of a patent, applicant irrevocably will remove all restrictions to access to the microorganism for the duration of the deposit.

All statements made herein of my own knowledge are true, and all statements made on information and belief are believed to be true; further, these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the instant patent application or any patent issuing thereon.

July 8, 2005
Date

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